



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

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**FEBRUARY 19, 2019
ZONING BOARD
REGULAR MEETING
MINUTES**

The meeting was called to order by Tina Lawler at 7:00 p.m.

Flag Salute

Notification of Meeting

Swearing in of new member – Mike Famularo

ROLL CALL

PRESENT: Baltera, Heller, Koussoulis, Polisano, Larotonda, Famularo, Seher, Malia

ABSENT: Lawler

OLD BUSINESS:

Vote: Minutes of January 15, 2019 meeting

Motion to approve: Greg Seher - second – Jen Heller

All were in favor.

NEW BUSINESS:

Appl. #2-2019 – Second to None, LLC – Block 297, Lot 1 is being tabled until the March 19, 2019 meeting

Joe Polisano arrived at 7:05 p.m. and Marina left the meeting

Appl. #1-2019 – UHaul Company of Coastal New Jersey – 1 White Horse Pike - Block 215 – Lot 1.01 & 1.02 for interpretation and/or Use Variance

Eddie – explained that variances would be determined on the way the board handles this application. He has talked to the applicants about this as well. It's submitted as an Interpretation first and then a possible Use Variance. We don't have the application for amended site plan approval yet. The construction official gave a violation for the canopy that was installed and that will ultimately need that approval and if the applicant is successful tonight, the proposal of these storage units will also require amended site plan application. Tonight we are only dealing with the use of the property and they will apply later for the other. He has asked for some clarity on how they prefer this application is treated by the board. Is it going to be part of the existing principle use or are these proposed storage units going to be an accessory use to the existing principle use or is this going to be a separate second principle use. In each of the scenarios, it would send us down a different path of what approvals what may or may not be required. He then explained each scenario and he wanted everyone on the same page to decide how we are hearing the application.

Bill Gasbarro, attorney for applicant – explained the use of the property and the expansion of this use. Americo is the company that operates as UHaul. We are prepared to present this application as one complete business that encompasses the use of the principle building, the lot and these storage facilities. Meaning that it's all part of the same business and conducted by the same personnel and aimed at the same set of customers. We fill it's a permitted use, not a variance, not an accessory use and not a multiple use.

Pat – clarified that we are moving on that these storage facilities are an expansion of the principle use of the structure.

Bill - gave a brief description of the property since 1983 as well as the work the DOT did to Rt. 30. He called on Deborah Wahl first to report.

Anthony Paladino, owner and regional manager; Deborah Wahl, from Doran Engineering and Harry Harper, architect were all sworn in.

Deborah – gave a brief description of her background. Her firm did the survey for the property as well as the plans for tonight, which consisted of three sheets. Exhibit A1, the information sheet submitted with the application was marked into evidence. She also described the property using exhibit A2, an aerial map as well as all the surrounding uses and businesses. Exhibit A3 is a colored rendering of the proposed plan. The proposal tonight is to add storage units that were delivered and set along the edge of the property in a basic "L" shape configuration. There was a change in the management at the site when these were ordered and delivered. They received a violation from the Construction Official for the canopy and the storage units that were placed. Since then he has been trying to get approval for this and the storage units were relocated because there is an existing 30 ft. wide storm water easement and a sanitary sewer easement, which are not shown on this plan since it's not a utility plan. There is a pump station located south of the railroad. The proposal is to relocate the units to provide ample vehicle circulation around the units and they would have doors on one side that would face the aisle. The units would be fastened in a way permanent and not movable and would comply with all building codes. They would essentially be utilized by customers that are already coming to the site for the truck rentals. They plan on it being short term storage for users, one example being a college student who has to move out for the summer and needs to take out all their belongings and most of the time large spaces are not needed. There may be a slight increase in the number of trips to the site because they come to rent the truck, go get their stuff and come back to store the belongings in the unit and return the truck. For the most part, they don't come back until they need to move it out. We are looking at 2-3 trips a month. Everything is done in the one front office for this business and everything will function as one. There is a separate propane filling tank that's been there since 1984. Bill asked in her professional opinion if they would be putting anything in

the site that would be restricted by the city's ordinance and she felt that there would not be and feels it's one principal use.

Joe – you touched briefly on the extra traffic, did you do any increased traffic study?

Deborah – no, but explained how she came up with her numbers by the use of the trucks now and other UHaul sites.

Ed – wanted to clarify that we were proceeding und the interpretation request and it's his understanding that this application was submitted in the way that if that was unsuccessful, they would pivot to a Use Variance tonight.

Bill – we hope we do prevail with the interpretation and we would hope to reserve the right to keep going on tonight. His opinion is that the use is a comprehensive truck trailer moving rental service center. That's how it's developed for their business all over.

Anthony, marketing company president of the UHaul of Coastal NJ, which covers 10 stores, but there are 46 of them in NJ. Out of the 46 stores, 42 provided some type of storage, but generally they are provided 30 days free to store their belongings if they have nowhere to put them yet when they get there. He's not intending to use this site as a long term rental storage facility. We would have 32 total units and would be permanently mounted by the codes required by the Construction Office. He inherited this store in the transition and the canopy was already there and the units were ordered and thought it was all okay. Once he got the notice, he found out what he had to do.

Greg – asked about the size of them.

Anthony – they're 5x10 units and 10 x 10 units, nothing really big. The total square footage is 2300 ft. for the units and the existing building is 24-2500 sq. ft.

Exhibit A4, a chart of the size and square footage of the units was marked into evidence and passed around for the board to see

Ed – wanted to know if they were going to restrict the storage unit rentals to people who only rent their trucks

Anthony – we don't plan on giving a time limit but if they are looking for long term, we can send them to the EHT location

Ed – asked if they would put a hard restriction on the duration that the storage units would be used and would you be willing to do that if the board wants

Anthony – we don't usually do that. The normal is 4-6 months. He can do his best to direct them to EHT.

Pat - you need to convince us that these storage units are a part of the existing approved use that's already on the site. Everyone needs to realize that if we agree with that, no further action is needed tonight and they will come back with a site plan approval in the future. If we don't agree, then they will ask for a use variance

Bill – asked Harry is this ordinance prohibits the structures for this use

Harry – he just doesn't see it. He used the five and dime store as an example. It sells multiple things and ours does picture framing, paint ball guns and it's a service that he has and he's not restricted as to what he can sell. Look at the pods that people put in their driveways and they end up being there for a long time. Some towns do restrict them, so UHAUL is trying to make their niche in that field. He sees it as them providing an additional service.

Pat – asked Harry if he believes that this is just another service by a retail store or service establishment, then Home Depot could do this?

Pat opened the meeting to the public.
No public comment so he closed it.

Bill – gave his final arguments and summed up the interpretation. Items were mentioned for when we come back for the site plan application. He feels the D variance does not need to apply here. Since it's a service that goes along with the services that UHAUL companies provides.

Jim – the board has to decide whether or not the extension of the principle use would include the storage facilities and that they fall into the category of retail store and service establishments. The ordinance does not give much guidance beyond that and he read from the ordinance. Typically when the ordinance provides a list of permitted uses, if you don't have a use within that permitted section, then it's not permitted. However, it's his understanding that the argument made here is that this particular type of use would fall under the service portion of the ordinance provision. There was testimony that citations were issued and had that gone to court, and if something is ambiguous in the ordinance, it's usually interpreted in favor of the applicant.

Motion to approve the interpretation that retail stores and service establishments which would permit these type of storage units and being an expansion of the principle use was made by Joe Polisano – second – Nick Larotonda

ROLL CALL: Baltera, yes; Heller, yes; Polisano, yes; Larotonda, yes; Famularo, yes; Seher, no; Malia, no

Vote was 5-2 in favor.

Our next meeting will be Tuesday, March 19th at 7:00 p.m.

ADJOURNMENT

Motion to adjourn – Greg Seher – second – Nick Larotonda
All were in favor.

Respectfully submitted,

Tina Lawler, Secretary

Approved: _____